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Docket No.: 1028-0171P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Raymond BOISSEAU et al.

Application No.: 09/822,864

Confirmation No.: 7224

Filed: April 2, 2001

Art Unit: 2881

For: METHOD AND SYSTEM FOR
CONTROLLING BEAM SCANNING IN AN
ION IMPLANTATION DEVICE

Examiner: K. T. Nguyen

PETITION INQUIRY
(Expedited Handling Requested)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 1, 2005

Sir:

A Petition To Withdraw The Holding Of Abandonment was filed in this case on February 17, 2004 and was re-submitted on June 23, 2004, which was followed up with a Status Inquiry on February 18, 2005. Copies of these previously submitted documents are attached hereto.

In addition, numerous inquiries by phone have been made. During a telephone conversation with the Petition's Office on January 13, 2005, Examiner Hien Phan stated that the petition was granted and that the abandonment was withdrawn. However, to this day, we have not received a notice of such action.

Accordingly, Applicants request that a Notice be issued stating that the above-referenced petition was granted. Applicants further request that the application undergo accelerated examination.

Application No.: 09/822,864

Docket No.: 1028-0171P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 1, 2005

Respectfully submitted,

By 

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Attachments



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MS PETITION
PATENT
1028-0171P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: LEDOUX, et al. Conf.: 7224
Appl. No.: 09/822,864 Group: 2881
Filed: April 2, 2001 Examiner: K.T. NGUYEN
For: METHOD AND SYSTEM FOR CONTROLLING BEAM
SCANNING IN AN ION IMPLANTATION DEVICE

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 17, 2004

Sir:

Applicants hereby petition for withdrawal of the abandonment identified in the Notice dated December 18, 2003, a copy of which is attached hereto as Exhibit 1 to this Petition. The basis for this Petition to withdraw abandonment is that no response was required in order to maintain the present application pending for the following reasons.

Discussion of the Facts:

1. On February 16, 2003, the Examiner issued a Restriction Requirement restricting the claims between Group I directed to the subject matter of claims 1 and 2 and Group II directed to the subject matter of claims 3-9.

2. On April 28, 2003, Applicants timely filed a Response to this written Restriction Requirement electing, with traverse,

Group II including claims 3-9. Reasons in traversal were presented and it was argued that claims 1 and 2 should be examined with claims 3-9.

3. On May 22, 2003, the Examiner issued another office action. A copy of this office action is attached as Exhibit 2. This office action indicated claims 3-9 allowed, the Examiner granting Applicants one month to cancel the non-elected claims or take appropriate action. As stated in the Examiner's Office Action:

"Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue."

4. Despite this above-mentioned statement, the Patent Office inadvertently abandoned the present application in the Notice of Abandonment dated December 18, 2003. The reason for this abandonment was "no reply has been received."

Discussion:

As indicated by the above-quoted passage from the Advisory Action dated May 22, 2003, failure to take action was to be treated as an authorization to cancel the claims non-elected as a result of the restriction requirement and pass the rest of the application, including claims 3-9, to issue. The office action clearly indicated that failure to respond would result in cancellation of claims 1, 2 and allowance of the remaining claims. Consequently, by the specific terms of this Office

Action, the issuance of the Notice of Abandonment dated December 18, 2003 was obviously in error.

For all the reasons set forth in the present Petition, the Patent Office is respectfully requested to withdraw the improper holding of abandonment and issue the present application including claims 3-9 after cancellation of claims 1 and 2, as expressed in the written Office Action of May 2, 2003 and as accepted by Applicants.

Should the Examiner have any questions concerning the present Petition, or should any facts be ambiguous, the Examiner is invited to contact the undersigned by telephone to discuss this matter.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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